

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1521

**Introduced by Senator Romero
(Coauthor: Senator McClintock)**

(Coauthors: Assembly Members Bass, Goldberg, Haynes, ~~and Jones~~
Jones, Leno, and Spitzer)

February 23, 2006

An act to add Section 6357 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1521, as amended, Romero. Prisons: media access.

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified. The bill would forbid retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6357 is added to the Penal Code, to
2 read:

1 6357. (a) The Department of Corrections and Rehabilitation,
2 upon reasonable notice, shall permit representatives of the news
3 media to interview prisoners in person, including prearranged
4 interviews with specified prisoners and individuals encountered
5 by a representative of the news media while covering a facility
6 tour, activity, event or program.

7 (b) During any interview with a prisoner, a representative of
8 the news media may use materials *and equipment* necessary to
9 conduct the interview, including, but not limited to, pens, pencils,
10 papers, and audio and video recording devices. These items shall
11 be subject to search for the purpose of protecting against an
12 immediate and direct threat to the security of the institution.

13 (c) A news media representative who desires to conduct a
14 prearranged interview at an institution shall make the request
15 within a reasonable time period prior to the requested interview
16 in writing to the warden or through contact with the institution's
17 public relations office.

18 (d) Staff shall notify an inmate of each interview request, and
19 no interview shall be permitted without the inmate's consent.

20 (e) An inmate may not receive compensation or anything of
21 value for interviews with the news media.

22 (f) The warden or the warden's designated public relations or
23 custodial official shall, within 48 hours of receiving an interview
24 request, notify the news media representative making the request
25 whether the interview has been granted.

26 (g) After the warden or the warden's designated public
27 relations or custodial official grants a request for an interview,
28 staff shall, at least two business days prior to the interview, notify
29 any victims of the inmate who have previously notified the
30 warden or Department of Corrections and Rehabilitation that
31 they wish to be contacted in the event of an interview request that
32 an interview has been granted.

33 (h) The warden or his or her designee may deny an interview
34 with a particular prisoner if it is determined that the interview
35 would pose an immediate and direct threat to the security of the
36 institution or the physical safety of a member of the public.
37 Within a reasonable period of time, the representative of the
38 news media shall receive an explanation of the specific reasons
39 for the denial. In order to ensure the security of the institution,
40 the physical safety of the public, and the efficient administration

1 of news media interviews, the department may establish
2 reasonable time, place, and manner restrictions for prison
3 interviews, including limitations on the number of interviews per
4 prisoner in a specified time period, limitations on the amount of
5 audio, video, and film equipment entering the facility for the
6 interview, and arrangements for pool interviews if the number of
7 journalists requesting to interview any one prisoner is excessive.

8 (i) No prisoner or parolee may have his or her visitation
9 limited or revoked because of a visit or potential visit from a
10 representative of the news media, nor may a prisoner or parolee
11 be punished, reclassified, disciplined, transferred to another
12 prison against his or her wishes, or otherwise retaliated against,
13 for participating in a visit by, or communicating with, a
14 representative of the news media.

15 (j) Interviews shall not be subject to auditory monitoring.

16 (k) For the purposes of this section, “representative of the
17 news media” means a journalist who works for, or is under
18 contract to, a newspaper, magazine, wire service, book publisher,
19 or radio or television program, or station or who, through press
20 passes issued by a governmental or police agency, or through
21 similar convincing means, can demonstrate that he or she is a
22 bona fide journalist engaged in the gathering of information for
23 distribution to the public.